

Substitute for Form PTO-1390 * U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <div style="border: 1px solid black; padding: 2px; display: inline-block;">034107-048</div>
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) -CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37.CFR 1.5) <div style="border: 1px solid black; padding: 2px; display: inline-block;">10/501,194</div>
INTERNATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED

TITLE OF INVENTION

METHODS AND COMPOSITIONS FOR OXYGEN TRANSPORT COMPRISING AN OXYGEN CARRIER AND A CRYSTALLOID IN HYPERTONIC SOLUTION

APPLICANT(S) FOR DO/EO/US

Robert M. WINSLOW and Kim D. VANDEGRIFF

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 21 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US); return postcard

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <div style="text-align: center;">10/501,194</div>	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER <div style="text-align: center;">034107-048</div>
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21. ☐ Applicant(s) requests that the published application include the following assignment information:

22. ☐ The following fees are submitted:

Basic Filing Fee (1631)				\$ 300.00
Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than _____ <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total Claims	-20 =	0	x \$50.00 (1615)	\$ 0.00
Independent Claims	- 3 =	0	x \$200.00 (1614)	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)
Examination Fee				+ \$200.00 (1633)
Search Fee				+ \$500.00 (1632)
App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)				
TOTAL OF ABOVE CALCULATIONS =				
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				+ \$ 0.00
SUBTOTAL =				\$ 0.00
Processing fee of \$130.00 (1618) for furnishing the English translation later than _____ <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00
TOTAL NATIONAL FEE =				\$ 0.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +				
TOTAL FEES ENCLOSED =				\$ 0.00
				Amount to be refunded :
				charged :

a. ☐ A check in the amount of _____ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

d. ☐ Charge _____ to credit card. Form PTO-2038 is attached.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SIGNATURE

SUSAN B. FULLER

NAME

51,979

January 3, 2005

REGISTRATION NO.

DATE

SEND ALL CORRESPONDENCE TO:

Burns, Doane, Swecker & Mathis, L.L.P.
 Suite 400
 402 W. Broadway
 San Diego, CA 92101-3542
 (619) 446-5600



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/501,194	Robert M Winslow	034107-048

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RECEIVED

NOV 8 '04

BURNS DOANE SWECKER & MATHIS
SAN DIEGO, CA

INTERNATIONAL APPLICATION NO.	
PCT/US03/00700	
I.A. FILING DATE	PRIORITY DATE
01/10/2003	

CONFIRMATION NO. 3561
371 FORMALITIES LETTER



OC000000014284038

Date Mailed: 11/04/2004

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/09/2004
- Copy of the International Search Report filed on 07/09/2004
- Copy of IPE Report filed on 07/09/2004
- Small Entity Statement filed on 07/09/2004
- Copy of references cited in ISR filed on 07/09/2004
- U.S. Basic National Fees filed on 07/09/2004
- Priority Documents filed on 07/09/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

logged/Dkt 11.12.04

DEBORAH D WILLIAMS

Telephone: (703) 305-3744

PART 1 - ATTORNEY/APPLICANT COPY

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10/501,194	PCT/US03/00700	034107-048

FORM PCT/DO/EO/905 (371 Formalities Notice)